

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

JUN - 5 2006

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

ANN MARIE LUNA, INDIVIDUALLY §
ON BEHALF OF BENEFICIARIES §
ENTITLED TO RECOVER UNDER THE §
TEXAS WRONGFUL DEATH ACT FOR §
THE DEATH OF RICHARD LUNA, §
AS REPRESENTATIVE OF THE ESTATE §
OF RICHARD LUNA, DECEASED, AND §
AS NEXT FRIEND OF RYAN JUSTIN LUNA, §
A MINOR, RICHARD LUNA, JR., §
TERESA MARTINEZ AND §
MANUEL R. HERNANDEZ §

PLAINTIFFS, and §

PACIFIC EMPLOYERS INSURANCE §
COMPANY, PATRICK SCOTT LUCAS §
AND CRYSTAL LYNN LUCAS, §

INTERVENORS §

V. §

MELTER, S.A. DE C.V., §
AND FUCHS SYSTEMS, INC. §

CASE NO. SA03CA0443FB

AGREED JUDGMENT

On this day came to be heard the above entitled and numbered cause, and came the Plaintiffs, Ann Marie Luna, Individually, On Behalf of Beneficiaries Entitled to Recover Under the Texas Wrongful Death Act for the Death of Richard Luna, As Representative of the Estate of Richard Luna and as Next Friend of Ryan Justin Luna, a minor, Richard Luna, Jr., Teresa Martinez, Manuel R. Hernandez and Pacific Employers Insurance Company; Ernest G. Valdez, Attorney Ad Litem for said minor ("Plaintiffs"); and Defendant, Fuchs Systems, Inc., entering their appearances, by and through their counsel of record, and a jury being waived by all parties, did all announce in open court that subject to the approval of the Court, they had reached a settlement of all matters in

controversy in this cause, wherein the Defendant has agreed, in addition to funds already paid, to pay to the Plaintiffs the total sum of Four Million and No/100 Dollars (\$4,000,000.00), in full and complete satisfaction of all of Plaintiffs' asserted claims against Defendant as fully described in the petition on file herein.

The Court having read the pleadings and heard the evidence, statements of counsel and read the report and recommendation of said Attorney Ad Litem, made after a careful, independent investigation, and, upon full consideration thereof and upon the request of the parties makes the following findings and judgment:

The Court finds that the parties are properly before the Court; that this Court has jurisdiction of the parties and the subject matter of this suit; that there is a bona fide dispute between the parties with respect to the subject matter of this suit; and that the settlement recited above is fair, just, and reasonable and in the best interests of all parties hereto and should be approved by the Court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the said offer of settlement be, and the same is hereby approved, and that Plaintiffs recover of and from the Defendant, Fuchs Systems, Inc., the sum of FOUR MILLION AND NO/100 DOLLARS (\$4,000,000.00) to or on behalf of the Plaintiffs as follows:

- a. The cash sum of One Million Seven Hundred Fifty-Four Thousand Seven Hundred Seventy-Four and 96/100 Dollars (\$1,754,774.96) to "The Watts Law Firm, L.L.P., in Trust for Ann Marie Luna, Ryan Justin Luna, Richard Luna, Jr. and Teresa Martinez".
- b. The cash sum of Three Hundred Seventy-Two Thousand and No/100 Dollars (\$372,000.00) to "Manuel R. Hernandez and Rolando L. Rios, Attorney at Law".
- c. To MetLife Tower Resources Group, Inc., a sum sufficient for the purchase of the "Qualified Funding Asset", as defined in Sections 104(a)(2) and 130 of the Internal Revenue Code of 1986, (the "Code") as amended, in the form of an annuity policy or policies to provide the following period payments:

1. Periodic payments payable to **Ann Marie Luna**, whose date of birth is August 8, 1969, ("Releasing Party and Payee") through annuity issuer, Metropolitan Life Insurance Company, rated A+ Class XV by AM Best, AA by Standard & Poor's, Aa2 by Moody's and AA by Fitch.

\$ 2,281.00 Payable monthly for ten (10) years certain only.
Benefits commence on 04/17/2006 with the last guaranteed payment on 03/17/2016.

\$ 2,500.00 Payable monthly for five (5) years certain only.
Benefits commence on 04/17/2016 with the last guaranteed payment on 03/17/2021.

\$ 3,000.00 Payable monthly for five (5) years certain only.
Benefits commence on 04/17/2021 with the last guaranteed payment on 03/17/2026.

\$ 3,775.00 Payable monthly for ten (10) years certain and Life.
Benefits commence on 04/17/2026 with the last guaranteed payment on 03/17/2036.

2. Periodic payments payable to **Richard Luna, Jr.**, whose date of birth is September 15, 1986, ("Releasing Party and Payee") through annuity issuer, Metropolitan Life Insurance Company, rated A+ Class XV by AM Best, AA by Standard & Poor's, Aa2 by Moody's and AA by Fitch.

\$ 1,000.00 Payable monthly for five (5) years certain only.
Benefits commence on 04/15/2006 with the last guaranteed payment on 08/15/2011.

\$ 1,653.00 Payable monthly for thirty-five (35) years certain and Life.
Benefits commence on 09/15/2011 with the last guaranteed payment on 08/15/2046.

\$ 25,000.00 Guaranteed lump sum payable at age 25 (09/15/2011)
 \$ 25,000.00 Guaranteed lump sum payable at age 30 (09/15/2016)
 \$ 25,000.00 Guaranteed lump sum payable at age 35 (09/15/2021)
 \$ 25,000.00 Guaranteed lump sum payable at age 40 (09/15/2026)
 \$ 25,000.00 Guaranteed lump sum payable at age 45 (09/15/2031)
 \$ 25,000.00 Guaranteed lump sum payable at age 50 (09/15/2036)
 \$ 25,000.00 Guaranteed lump sum payable at age 55 (09/15/2041)
 \$ 25,000.00 Guaranteed lump sum payable at age 60 (09/15/2046)
 \$ 25,000.00 Guaranteed lump sum payable at age 65 (09/15/2051)
 \$ 25,000.00 Guaranteed lump sum payable at age 70 (09/15/2056)

3. Periodic payments payable to **Ryan Justin Luna**, whose date of birth is May 16, 1989, ("Releasing Party and Payee") through annuity issuer, Metropolitan Life Insurance Company, rated A+ Class XV by AM Best, AA by Standard & Poor's, Aa2 by Moody's and AA by Fitch.

\$ 10,000.00 Guaranteed lump sum payable at age 22 (05/16/2011).

\$ 1,723.00 Payable monthly for thirty (30) years certain and Life.
Benefits commence at age 22 (05/16/2011) with the last guaranteed payment on 04/16/2041.

\$ 12,000.00 Guaranteed lump sum payable at age 23 (05/16/2012).

\$ 20,000.00 Guaranteed lump sum payable at age 25 (05/16/2014).

\$ 25,000.00 Guaranteed lump sum payable at age 27 (05/16/2016).

\$ 50,000.00 Guaranteed lump sum payable at age 29 (05/16/2018).

\$100,000.00 Guaranteed lump sum payable at age 31 (05/16/2020).

\$ 99,286.00 Guaranteed lump sum payable at age 35 (05/16/2024).

\$ 727.00 Payable monthly for fifteen (15) years certain only.
Benefits commence at age 36 (05/16/2025) with the last Guaranteed payment on 04/16/2040.

4. Periodic payments payable to Manuel R. Hernandez, whose date of birth is October 22, 1984, ("Releasing Party and Payee") through annuity issuer, Metropolitan Life Insurance Company, rated A+ Class XV by AM Best, AA by Standard & Poor's, Aa2 by Moody's and AA by Fitch.

\$ 1,500.00 Payable monthly for fifteen (15) years certain only.
Benefits commence on 05/01/2006 with the last guaranteed payment on 04/01/2021.

\$ 26,565.00 Guaranteed lump sum payable on 01/05/2013.

\$ 31,379.00 Guaranteed lump sum payable on 12/02/2015.

\$ 36,871.00 Guaranteed lump sum payable on 12/22/2018.

\$ 237,889.00 Guaranteed lump sum payable on 10/22/2021.

\$ 49,338.00 Guaranteed lump sum payable on 06/03/2024.

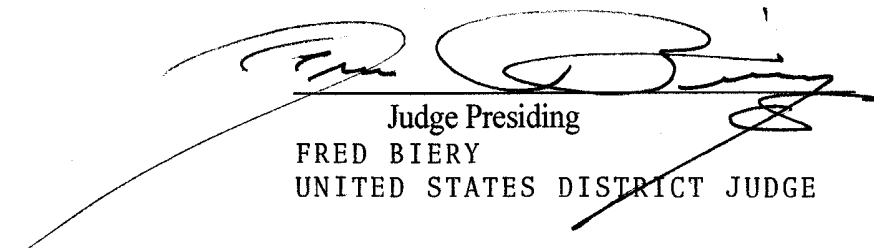
The obligation to make the periodic payments described herein may be assigned to MetLife Tower Resources Group, Inc. and funded by an annuity contract issued by Metropolitan Life Insurance Company.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that all court costs herein shall be taxed against the party incurring same, and that all relief not herein specifically granted is denied.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that the Defendant, Fuchs Systems, Inc., having duly paid said Judgment and discharged same in its entirety, stand fully released and forever discharged of and from any and all liability whatsoever to Plaintiffs, or any of them, upon any demands, claims or causes of action arising out of or based upon the occurrence in question, and it is FURTHER ORDERED by this Court, in accordance with the agreement of the parties, that the making of such settlement, being for the purpose of avoiding further time, trouble and expense of investigation and litigation, does not constitute an admission of liability on the part of the Defendant as to any cause of action.

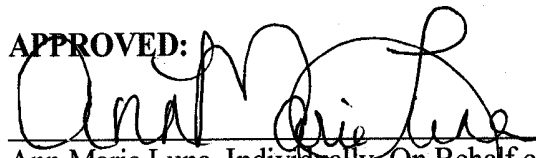
Said Judgment having been fully paid, it is ORDERED that no execution issue.

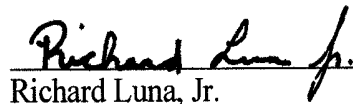
SIGNED this 5th day of June, 2006.




Judge Presiding
FRED BIERY
UNITED STATES DISTRICT JUDGE

APPROVED:

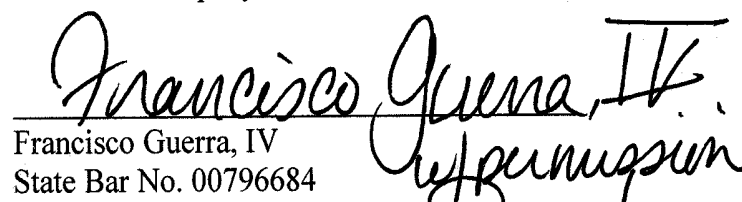
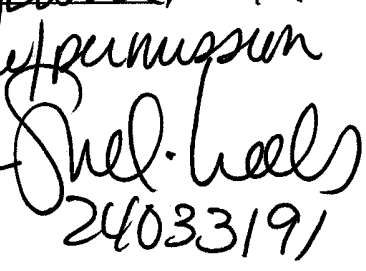

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Authorized Representative of Pacific Employers
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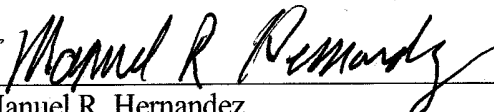

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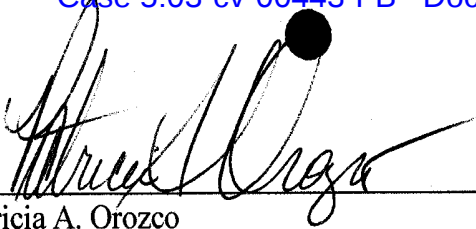
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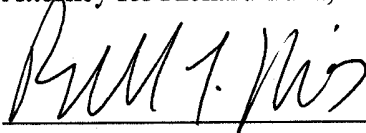
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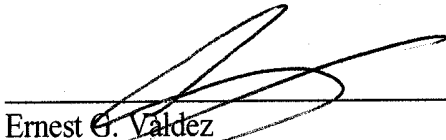
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